

FOURTEENTH DAY

(Tuesday, January 31, 1939)

The House met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hamilton
Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Anderson	Harp
Bailey	Harper
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Baker of Grayson	Harris
Blankenship	Hartzog
Bond	Heflin
Boyd	Holland
Boyer	Howard
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Keith
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Cauthorn	Kinard
Celaya	King
Chambers	Langdon
Clark	Lehman
Cleveland	Leonard
Cockrell	Leyendecker
Coleman	Little
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Dowell	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Olsen
Fuchs	Pace
Galbreath	Petsch
Gilmer	Pevehouse
Goodman	Piner
Gordon, Mrs.	Ragsdale
Hale	Reader of Bexar

Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vale
Russell	Vint
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Wells
Smith of Frio	Westbrook
Smith of Hopkins	White
Smith	Wilson
of Matagorda	Winfree
Spencer	Wood
Stinson	Worley
Stoll	Wright

Absent—Excused

Bell	Pope
Derden	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, Thou alone art wise and able to do abundantly above anything that we think or know. As we struggle with great problems wilt Thou strengthen and guide us, our Senate, and our Governor, to the end that we may do our best in these history-making days. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Derden for today, on motion of Mr. Skiles.

Mr. Bell for today, on motion of Mr. Thornberry.

The following Member was granted leave of absence on account of illness:

Mr. Pope for today, and the balance of the week, on motion of Mr. Boyd.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. White:

H. B. No. 345, A bill to be entitled "An Act to provide that all cases of criminal attacks on women may be

heard by the court and jurors privately, and permitting the court to exercise its discretion in the admission of persons to witness the trial of such case, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Brown of Nacogdoches:

H. B. No. 346, A bill to be entitled "An Act to promote the Industrialization of Texas, to economize in payment for Text Books, and to secure Texts better suited to the needs of Texas schools by providing for the submission to the State Board of Education, and adoption by it of Text Books in manuscript form, and for letting contracts to publish Text Books so adopted, and to designate as Section 2847A of the Revised Civil Statutes of Texas."

Referred to the Committee on Education.

By Mr. Clark:

H. B. No. 347, A bill to be entitled "An Act to amend Article 199, Revised Civil Statutes of Texas, 1925, Sections 30 and 90, and Article 326 P., Section 2, and Article 326 K, Section 2, so as amended to transfer Young County from the Thirtieth to the Ninetieth Jurisdiction, and fixing the terms of Court, and providing that the County Attorney of Young County shall no longer perform the duties of District Attorney, and providing that the District Attorney shall serve both Young and Stephens Counties, and providing that the County Attorney of Young County shall perform only the duties of County Attorney of Young County, and for a stenographer's salary for said District Attorney, and repealing all laws and parts of laws in conflict herewith; declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Hardeman:

H. B. No. 348, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Glasscock County, to conform to the jurisdiction of the District Court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Burkett:

H. B. No. 349, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bell:

H. B. No. 350, A bill to be entitled "An Act to amend Article 198, Title 8, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Reader of Erath:

H. B. No. 351, A bill to be entitled "An Act to permit the taking of fish in public waters and streams in Erath and Hood Counties with certain ex-

ceptions, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Reader of Erath:

H. B. No. 352, A bill to be entitled "An Act to prohibit hunting, trapping, shooting or killing blue quail or bob-white in the Counties of Erath and Hood, for a period of five years after the passage of this Act, providing a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Reader of Erath:

H. B. No. 353, A bill to be entitled "An Act providing for the destruction of buzzards, declaring them predatory fowls of the air, and fixing a bounty of ten cents per head for their destruction; directing the County Clerks to pay such bounty and to draw on the Live Stock and Sanitary Fund for reimbursement, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Reader of Erath:

H. B. No. 354, A bill to be entitled "An Act to permit the killing and annihilating of fox in Erath and Hood Counties, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Smith of Matagorda:

H. B. No. 355, A bill to be entitled "An Act to aid the Town of Freeport, Texas, in raising, strengthening and enlarging existing levees now partially protecting the said town from tropical storms and calamitous overflows, and in constructing and maintaining additional levees, breakwaters, bulkheads, and other works incidental thereto, both within and without the corporate limits of said Town of Freeport, by donating and granting to said Town of Freeport for a period of 20 years commencing with the fiscal year beginning September 1, 1940, the State ad valorem taxes collected upon property and from persons, firms and corporations within the defined limits of Brazoria County Road District No. 23 of Brazoria County, Texas, the boundaries of which include the Town of Freeport, to pro-

vide for the investment of the amounts herein donated, and of the sinking fund of said bonds; providing a penalty for the misapplication of funds raised therefor; granting the right of eminent domain to said town and authorizing the Town Commission thereof to acquire for and on behalf of the town, by purchase, gift, grant or condemnation, title to any right of way and other property, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Shell:

H. B. No. 356, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than seven thousand, seven hundred (7,700) and not less than seven thousand, six hundred eighty (7,680) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Shell:

H. B. No. 357, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than twenty-three thousand, eight hundred twenty-five (23,825) and not more than twenty-three thousand, eight hundred fifty (23,850) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Heflin and Mr. Felty:

H. B. No. 358, A bill to be entitled "An Act providing any person or corporation engaged in supplying coats, aprons, frocks, towels or other textiles for hire or compensation may file its name or trade mark with the County Clerk and with the Secretary of State; provided further that no person may make any unauthorized use of such textiles; and providing that use or possession of such textiles shall be presumptive evidence of unlawful use; providing a penalty, repealing all laws or parts of laws

in conflict herewith, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Smith of Matagorda:

H. B. No. 359, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Brown of Cherokee:

H. B. No. 360, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the then latest preceding Federal Census, had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Howard:

H. B. No. 361, A bill to be entitled "An Act making it unlawful for anyone to sell, or offer for sale, shucked oysters in other than the original container in which said oysters are packed by the producer; requiring the packer's name on said container; defining a producer of oysters; excepting restaurants, hotels, etc., in certain instances; providing for individual

liability of local managers of chain stores; fixing a penalty, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Felty, Mr. Dickison, Mr. Anderson, Mr. Dwyer and Mr. Reader of Bexar:

H. B. No. 362, A bill to be entitled "An Act amending House Bill No. 309, being Chapter 53, page 101 of the Acts of the Thirty-eighth Legislature, Regular Session (1927) as amended by Senate Bill No. 520, being Chapter 210, page 499 of the Acts of the Forty-fourth Legislature, Regular Session (1935), and subdivisions 37, 45, 57, and 73 of Article 199, Title 8, Revised Civil Statutes of 1925 as amended, fixing the terms and prescribing the jurisdiction of the District Courts of the 37th, 45th, 57th, and 73rd Judicial Districts, providing for the administration of the business of said Courts, providing for the election of special judges in case of absence, sickness or inability of the regular judges to act and preside in the Civil District Courts of Bexar County, Texas, fixing the effective date of the Act and the date of the expiration of the terms of court then in session, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Kinard and Mr. Boyd:

H. B. No. 363, A bill to be entitled "An Act providing for instruction in Americanism and on the Constitution of the United States in all public and private schools located within this State, providing for supervision by the Superintendent of Public Instruction, providing for compulsory examination of students on Americanism and the Constitution of the United States, fixing a penalty for the willful neglect or failure on the part of any superintendent, principal or teacher to carry out the requirements of this Act and fixing the duty of the Superintendent of Public Instruction in carrying out the provisions hereof."

Referred to the Committee on Education.

By Mr. Wells, Mr. Tennant, Mr. Riviere, Mr. Ferguson, Mr. Bray, Mr.

Roach, Mr. Donaghey, Mr. Holland, Mr. Dickison, Mr. Bundy, Mr. Reader of Bexar, Mr. Anderson, Mr. Leyendecker, Mr. Harrell of Lamar, Mr. Pace, Mr. White, Mr. Smith of Hopkins, Mr. McNamara, Mr. Galbreath, Mr. Cornett, Mr. Pope, Mr. Kinard, Mr. Reader of Erath, Mr. Winfree, Mr. Daniel, Mr. Celaya, Mr. Hartzog, Mr. Nicholson, Mr. McFarland, Mr. Broadfoot, Mr. Harrell of Bastrop, Mr. Montgomery, Mr. Fuchs, Mr. Burkett and Mr. Crossley:

H. B. No. 364, A bill to be entitled "An Act making appropriations to supplement local funds for the support, maintenance, operations and improvement of the Public Junior Colleges of Texas named in this Act for the two (2) fiscal years beginning September 1, 1939, and ending August 31, 1941, prescribing the rules restricting, and prorating this money to the Public Junior Colleges of Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Boyer:

H. B. No. 365, A bill to be entitled "An Act authorizing the Commissioners Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

Referred to the Committee on Counties.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Reed, Mr. Worley, Mrs. Colson, Mr. Heflin, Mr. Harrell of Lamar, Mr. Daniel, Mrs. Gordon, Mr. Thornberry, Mr. Hankamer, Mr. Bond, Mr. Bell, Mr. Kersey, Mr. Crossley, Mr. Hunt, Mr. Voigt, Mr. London, Mr. Wells, Mr. Dickison, Mr. White, Mr. Langdon, Mr. Boyer, Mr. Allen, Mr. McDonald, Mr. Johnson of Ellis, Mr.

Mays, Mr. Cornett, Mr. Riviere, Mr. Hardin, Mr. Harper, Mr. Monkhouse, Mr. Kinard, Mr. Reader of Bexar, Mr. Montgomery, Mr. Galbreath, Mr. Olsen, Mr. Loggins, Mr. Burkett, Mr. Morris, Mr. Hull, Mr. Davis of Jasper, Mr. Ragsdale, Mr. Celaya, Mr. Skiles, Mr. Isaacks, Mr. Blankenship, Mr. Reader of Erath, Mr. Weldon, Mr. Goodman, Mr. Anderson, Mr. Dwyer, Mr. Bundy, Mr. Kern, Mr. Holland, Mr. Harrell of Bastrop, Mr. Newell, Mr. Pevehouse, Mr. Coleman, Mr. McAlister, Mr. Robinson, Mr. Cockrell, Mr. Burney, Mr. Johnson of Tarrant, Mr. Hamilton, Mr. Cleveland, Mr. Bailey, Mr. Cauthorn, Mr. Brown of Nacogdoches, Mr. Vint, Mr. Reaves, Mr. Clark, Mr. Stinson, Mr. Smith of Matagorda, Mr. Piner and Mr. McMurry:

H. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the District Courts shall consist of twelve (12) persons, and in the County Court of six (6) persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

Referred to the Committee on Constitutional Amendments.

By Mr. Allison:

H. J. R. No. 22, Proposing an amendment to the State Constitution of Texas by adding a new Section to be known as Section 9-a of Article 8, providing for the assessing, levying and collecting of a tax of not exceeding Ten (10c) Cents on the One Hundred (\$100.00) Dollar valuation to be used for public health purposes and indigent sick purposes equally.

Referred to the Committee on Constitutional Amendments.

BILLS ORDERED NOT PRINTED

On motion of Mr. Anderson, House Bill No. 280 was ordered not printed.

On motion of Mr. Leyendecker, House Bill No. 77 was ordered not printed.

MOTION TO RECOMMIT SENATE BILL NO. 119

Mr. Morris moved that Senate Bill No. 119 be recommitted to the Committee on State Affairs.

Mr. Thornton moved to table the motion to recommit Senate Bill No. 119.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—102

Allison	Johnson of Tarrant
Alsup	Kern
Anderson	Kerr
Bailey	Kinard
Blankenship	Lehman
Bond	Leonard
Boyer	Leyendecker
Bradford	Little
Bray	Lock
Bridgers	Loggins
Brown	Mays
of Nacogdoches	McAlister
Bundy	McDaniel
Celaya	McDonald
Chambers	McMurry
Clark	McNamara
Coleman	Mohrmann
Colquitt	Monkhouse
Colson, Mrs.	Montgomery
Corry	Newell
Daniel	Nicholson
Davis of Upshur	Oliver
Dean	Olsen
Dickson	Pace
Donaghey	Pevehouse
Dwyer	Ragsdale
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Galbreath	Riviere
Gilmer	Roach
Goodman	Robinson
Gordon, Mrs.	Schuenemann
Hamilton	Segrist
Hankamer	Shell
Hardeman	Skiles
Hardin	Smith of Frio
Harp	Smith of Hopkins
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Hartzog	Spencer
Heflin	Stinson
Howard	Stoll
Howington	Taylor
Hull	Tennant
Hunt	Thornton
Johnson of Ellis	

Vale	Westbrook
Vint	Wilson
Voigt	Winfree
Waggoner	Wright
Weldon	

Nays—39

Baker of Grayson	Keith
Boyd	Kennedy
Bradbury	Kersey
Broadfoot	King
Brown of Cherokee	Langdon
Burkett	London
Burney	McFarland
Cauthorn	Morris
Cleveland	Petsch
Cockrell	Rhodes
Cornett	Roberts
Crossley	Russell
Davis of Jasper	Talbert
Dickison	Tarwater
Dowell	Thornberry
Fuchs	Turner
Hale	Wells
Harper	Wood
Holland	Worley
Isaacks	

Absent

Allen	Harris
Baker	Piner
of Fort Bend	White

Absent—Excused

Bell	Pope
Derden	

MESSAGE FROM THE SENATE

Austin, Texas, January 31, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 42, A bill to be entitled "An Act to amend Article 554 of the Penal Code of the State of Texas, relating to loan limits, and declaring an emergency."

S. B. No. 103, A bill to be entitled "An Act permitting trustees of school districts in counties having a population of not less than five thousand, seven hundred and ninety-six (5,796) nor more than five thousand, eight hundred and ninety (5,890) inhabitants, according to the last preceding Federal Census, to issue time warrants for the purpose of taking up, refunding and extending indebtedness incurred for the legal maintainance of schools in said districts up to June 1, 1939; providing for the amount and maturity of such warrants and in-

terest thereon and for the mode of payment, and declaring an emergency."

H. C. R. No. 26, Arranging a Joint Session of the State Legislature on March 3, 1939, for the purpose of hearing an address by the Honorable Nathan Straus.

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of independent school districts in counties having not less than ten thousand (10,000) nor more than twenty thousand (20,000) population, according to the last preceding Federal Census, as established by the act of the County Boards of School Trustees of such counties, and ratifying and confirming said act of such Boards, and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand, five hundred and eighty-three (30,583) and not more than thirty thousand, six hundred (30,600), according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official County Court Reporter of the County Court; defining and prescribing the duties of such Court Reporter, and fixing the compensation and tenure of office; prescribing the fund from which the salary is to be paid and prescribing the taxing of costs in civil suits in which answer is filed, and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal Census or any future Federal Census; providing for its enforcement; providing for partial invalidity; repealing all the portions of laws, charter provisions and ordinances in conflict therewith; defining a local political party, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

MOTION TO RE-REFER HOUSE BILL NO. 76

Mr. Hankamer moved that House Bill No. 76 be withdrawn from the Committee on Labor and referred to the Committee on Oil, Gas and Mining.

Mr. Weldon raised a point of order, on further consideration of the motion, on the ground that the routine motion period has expired.

The Speaker overruled the point of order.

Mr. Weldon moved to table the motion to refer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Allen	Kersey
Allison	King
Alsup	Langdon
Bailey	Lehman
Baker of Grayson	Lock
Blankenship	Mays
Bradbury	McMurry
Bray	Montgomery
Bridgers	Morris
Brown of Cherokee	Oliver
Brown	Pevhouse
of Nacogdoches	Piner
Bundy	Reader of Erath
Burkett	Reed
Burney	Rhodes
Celaya	Roach
Chambers	Roberts
Clark	Russell
Cockrell	Segrist
Coleman	Skiles
Cornett	Smith of Frio
Davis of Upshur	Smith of Hopkins
Faulkner	Smith
Fuchs	of Matagorda
Galbreath	Spencer
Gordon, Mrs.	Stoll
Harp	Talbert
Harrell of Bastrop	Tarwater
Harrell of Lamar	Tennant
Holland	Thornberry
Howington	Vint
Hunt	Voigt
Isaacks	Waggoner
Johnson of Ellis	Weldon
Keith	Wells
Kennedy	Westbrook
Kern	Wood
Kerr	Wright

Nays—54

Bond	Bradford
Boyer	Cauthorn

Cleveland	Leonard
Colquitt	Little
Colson, Mrs.	Loggins
Corry	London
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Donaghey	McFarland
Dowell	McNamara
Dwyer	Mohrmann
Felty	Monkhouse
Ferguson	Nicholson
Fielden	Olsen
Gilmer	Pace
Goodman	Petsch
Hamilton	Reader of Bexar
Hankamer	Riviere
Hardeman	Robinson
Harper	Shell
Hartzog	Stinson
Heflin	Taylor
Howard	Thornton
Hull	Vale
Johnson of Tarrant	Wilson
Kinard	Worley

Absent

Anderson	Harris
Baker	Leyendecker
of Fort Bend	Newell
Boyd	Ragsdale
Broadfoot	Reaves
Dean	Schuenemann
Dickison	Turner
Dickson	White
Hale	Winfree
Hardin	

Absent—Excused

Bell	Pope
Derden	

BILLS RE-REFERRED

Mr. Bond moved that House Bill No. 153 be withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Penitentiaries.

The motion prevailed.

(Mr. Leonard in the Chair.)

Mr. Stinson moved that House Bill No. 327 be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Education.

(Speaker in the Chair.)

Mr. Wood moved to table the motion by Mr. Stinson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—36

Bailey	Keith
Broadfoot	King
Brown of Cherokee	Lehman
Cauthorn	London
Dean	Mays
Dowell	Mohrmann
Faulkner	Monkhouse
Felty	Montgomery
Gilmer	Nicholson
Goodman	Reed
Gordon, Mrs.	Shell
Hankamer	Talbert
Harper	Tarwater
Harrell of Bastrop	Tennant
Hartzog	Voigt
Holland	Waggoner
Howington	White
Hunt	Wood

Nays—95

Allison	Howard
Alsup	Isaacks
Baker of Grayson	Johnson of Ellis
Blankenship	Johnson of Tarrant
Bond	Kennedy
Boyd	Kern
Boyer	Kerr
Bradbury	Kersey
Bradford	Kinard
Bray	Langdon
Bridgers	Leyendecker
Brown	Little
of Nacogdoches	Lock
Burkett	Loggins
Burney	McAlister
Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colquitt	Morris
Colson, Mrs.	Newell
Cornett	Oliver
Corry	Pace
Crossley	Petsch
Daniel	Pevehouse
Davis of Jasper	Piner
Davis of Upshur	Reader of Bexar
Dickison	Reader of Erath
Dickson	Reaves
Donaghey	Rhodes
Dwyer	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Hale	Russell
Hamilton	Schuenemann
Hardeman	Segrist
Hardin	Skiles
Harp	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Harris	Spencer
Heflin	Stinson

Stoll	Weldon
Taylor	Wells
Thornberry	Westbrook
Turner	Wilson
Vint	Worley

Present—Not Voting

Smith
of Matagorda

Absent

Allen	Leonard
Anderson	Olsen
Baker	Ragsdale
of Fort Bend	Thornton
Bundy	Vale
Celaya	Winfree
Ferguson	Wright
Hull	

Absent—Excused

Bell
Derden

Question then recurring on the motion by Mr. Stinson that House Bill No. 327 be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Education, it prevailed.

RELATIVE TO RESOLUTION
PERIOD

Mr. Leonard moved that the House dispense with the consideration of resolutions at this time.

The motion prevailed.

HOUSE BILL NO. 77 ON SECOND
READING

Mr. Leyendecker moved that all necessary House Rules and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 77 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

Allison	Bray
Alsup	Bridgers
Anderson	Broadfoot
Bailey	Brown of Cherokee
Baker of Grayson	Brown
Blankenship	of Nacogdoches
Bond	Bundy
Boyd	Burkett
Boyer	Burney
Bradbury	Cauthorn
Bradford	Celaya

Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Cornett	Montgomery
Corry	Morris
Crossley	Newell
Daniel	Nicholson
Davis of Jasper	Oliver
Davis of Upshur	Olsen
Dickison	Pace
Dickson	Petsch
Dowell	Pevehouse
Dwyer	Piner
Faulkner	Ragsdale
Felty	Reader of Bexar
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Hardin	Shell
Harp	Skiles
Harrell of Bastrop	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Heflin	Smith
Holland	of Matagorda
Howard	Spencer
Howington	Stinson
Hull	Stoll
Hunt	Talbert
Isaacks	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Tennant
Keith	Thornberry
Kennedy	Thornton
Kern	Turner
Kerr	Vale
Kersey	Vint
King	Waggoner
Langdon	Weldon
Lehman	Wells
Leonard	Westbrook
Leyendecker	White
Little	Wilson
Lock	Winfree
Loggins	Wood
London	Worley
Mays	Wright
McAlister	

Absent

Allen	Dean
Baker	Donaghey
of Fort Bend	Harper

Harris
Hartzog

Kinard
Voigt

Absent—Excused

Bell
Derden

Pope

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5) Cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties, and their county seats, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 77 ON THIRD READING

The Speaker then laid House Bill No. 77 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—128

Allison	Brown
Alsup	of Nacogdoches
Anderson	Bundy
Bailey	Burkett
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Celaya
Blankenship	Chambers
Bond	Clark
Boyer	Cleveland
Bradbury	Cockrell
Bradford	Coleman
Bray	Colquitt
Bridgers	Colson, Mrs.
Broadfoot	Cornett
Brown of Cherokee	Corry

Crossley
Daniel
Davis of Jasper
Davis of Upshur
Dickison
Dickson
Donaghey
Dowell
Dwyer
Faulkner
Felty
Ferguson
Fielden
Fuchs
Galbreath
Gilmer
Gordon, Mrs.
Hamilton
Hankamer
Hardeman
Hardin
Harp
Harper
Harrell of Bastrop
Harrell of Lamar
Hartzog
Holland
Howard
Howington
Hull
Hunt
Isaacks
Johnson of Ellis
Johnson of Tarrant
Keith
Kennedy
Kern
Kerr
Kersey
Kinard
King
Leonard
Leyendecker
Little
Lock
Loggins
London
Mays
McAlister
McDaniel

McDonald
McFarland
McMurry
McNamara
Mohrmann
Monkhouse
Montgomery
Newell
Nicholson
Oliver
Olsen
Pevehouse
Piner
Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Robinson
Russell
Schuenemann
Segrist
Shell
Skiles
Smith of Frio
Smith
of Matagorda
Spencer
Tarwater
Taylor
Tennant
Thornberry
Thornton
Turner
Vale
Vint
Voigt
Waggoner
Weldon
Wells
Westbrook
Wilson
Winfree
Worley
Wright

Nays—4

Lehman
Morris

Stoll
Wood

Present—Not Voting

Allen

Absent

Boyd
Dean
Goodman
Hale
Harris

Heflin
Langdon
Pace
Petsch
Smith of Hopkins

Stinson
Talbert
Absent—Excused

Bell
Derden
Pope

MOTION TO PLACE SENATE
BILL NO. 119 ON SECOND
READING

Mr. Thornton moved that all necessary House Rules be suspended, for the purpose of taking up and considering, at this time, Senate Bill No. 119, on its second reading and passage to third reading.

The roll of the House was called on the motion to suspend the Rule and the vote announced, as follows: Yeas 94, nays 46.

Mr. Keith requested a verification of the vote.

Mr. Reader of Bexar moved a call of the House pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—90

Allen	Harrell of Bastrop
Alsup	Hartzog
Anderson	Howard
Bailey	Howington
Boyer	Hull
Bradford	Hunt
Bridgers	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Kerr
Cauthorn	Kinard
Celaya	Lehman
Chambers	Leonard
Clark	Leyendecker
Coleman	Little
Colquitt	Lock
Colson, Mrs.	Loggins
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Upshur	McDonald
Donaghey	McMurry
Dwyer	McNamara
Faulkner	Mohrmann
Felty	Monkhouse
Ferguson	Montgomery
Fielden	Newell
Galbreath	Nicholson
Gilmer	Oliver
Goodman	Olsen
Gordon, Mrs.	Pace
Hankamer	Pevehouse
Hardin	Ragsdale

Reader of Bexar	Spencer
Reader of Erath	Stinson
Reaves	Taylor
Reed	Thornton
Riviere	Vale
Robinson	Voigt
Schuenemann	Waggoner
Segrist	Weldon
Shell	Westbrook
Smith of Frio	White
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wright

Nays—50

Allison	Holland
Baker of Grayson	Keith
Blankenship	Kennedy
Bond	Kern
Boyd	King
Bradbury	Langdon
Bray	London
Broadfoot	McFarland
Brown of Cherokee	Morris
Burkett	Piner
Burney	Rhodes
Cleveland	Roach
Cockrell	Roberts
Cornett	Russell
Davis of Jasper	Skiles
Dean	Stoll
Dowell	Talbert
Fuchs	Tarwater
Hale	Tennant
Hamilton	Thornberry
Hardeman	Turner
Harp	Vint
Harper	Wells
Harrell of Lamar	Wood
Heflin	Worley

Absent

Baker	Harris
of Fort Bend	Kersey
Dickison	Petsch
Dickson	

Absent—Excused

Bell	Pope
Derden	

The Speaker announced that the motion by Mr. Thornton, to suspend the Rules was lost (not receiving the necessary two-thirds vote).

MEMORIALIZING CONGRESS IN
REGARD TO IMMIGRATION
LAWS

Mr. Kinard (by unanimous consent) offered the following resolution:

H. S. R. No. 102, Memorializing

Congress in regard to Immigration Laws of the Nation.

Whereas, The Texas State Employment Service recently estimated that there are some fifty thousand (50,000) Texas farmers who are unemployed, some of whom are at present on the relief rolls, and that in the State of Texas there are over two hundred thousand (200,000) citizens who are unemployed, many of whom are penniless and homeless and dependent upon relief for a subsistence; and

Whereas, The National Administration has expressed a desire to allow a full three-year quota of immigrants to enter the United States in one year; and

Whereas, According to the newspaper reports, a certain New York banker has proposed to finance the settlement of some fifty thousand (50,000) Nationals of foreign countries in tent cities to be established in the Panhandle and the Valley of Texas to tame and cultivate the alleged wilderness of our State; and

Whereas, It is the duty of the State of Texas and of the Federal Government to use their broad police powers in protecting and safeguarding the right of the citizens of the United States and of the State of Texas to earn through gainful employment a livelihood; and

Whereas, The settlement of fifty thousand (50,000) Nationals of foreign countries in the State of Texas would work an undue hardship upon the citizens of our State and of this Nation by forcing many of our citizens to apply for relief aid; and

Whereas, Texas is unable to absorb any part of the proposed fifty thousand (50,000) tent-dwelling settlers until our own citizens who are unemployed and on the relief rolls have been provided gainful employment; and

Whereas, It is the duty of the Secretary of Labor to enforce the immigration and naturalization laws; now, therefore, be it

Resolved by the House of Representatives of Texas, That we hereby ask the United States Congress to take such steps as might be necessary to enforce the immigration laws of this Nation and prevent the settlement of penniless, homeless, destitute

aliens in the United States; and be it further

Resolved, That a copy of this resolution be sent to the Members of the United States Congress from Texas.

KINARD,
HARRELL of Lamar,
GOODMAN,
HANKAMER.

The resolution was read second time.

On motion of Mr. Kinard, the resolution was referred to the Committee on Federal Relations.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 42, to the Committee on Banks and Banking.

Senate Bill No. 103, to the Committee on Counties.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 233, "An Act to validate the establishment of independent school districts in counties having not less than ten thousand (10,000) nor more than twenty thousand (20,000) population, according to the last preceding Federal Census, as established by the act of the County Boards of School Trustees of such counties, and ratifying and confirming said act of such Boards, and declaring an emergency."

ADJOURNMENT

Mr. Hamilton moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Leonard moved that the House adjourn until 10:30 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Hamilton, it prevailed, and the House, accordingly, at 12:35 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Agriculture: House Bill No. 296.

Conservation and Reclamation: House Bill No. 316.

Municipal and Private Corporations: House Bill No. 228.

School Districts: House Bill No. 360.

Revenue and Taxation: House Bill No. 77.

Counties: House Bills Nos. 192, 212, 236, 274, 281, 282, 284, 293, 298, 324, 349 and 356; Senate Bills Nos. 84 and 103.

State Affairs: House Bills Nos. 159 and 179; Senate Bill No. 25.

The Committee on Appropriations filed an adverse report on House Bill No. 328.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, January 31, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5c) Cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties, and their county seats, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 30, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 71, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal Census or any future Federal Census; providing for its enforcement; providing for partial invalidity; repealing all the portions of laws, charter provisions and ordinances in conflict therewith; defining a local political party, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

Austin, Texas, January 30, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 201, A bill to be entitled "An Act to amend Section 1 of Article 2691B, Chapter XI, Title 49 of the Revised Statutes, as enacted by the First Called Session of the Forty-second Legislature, and being found in Acts of 1931, Chapter XXXIX, at page 83, by providing for the addition thereto of Lamar County, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

Austin, Texas, January 30, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of independent school districts in counties having not less than ten thousand (10,000) nor more than twenty thousand (20,000) population, according to the last preceding Federal Census, as established by the act of the County Boards of School Trus-

tees of such counties, and ratifying and confirming said act of such Boards, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

Austin, Texas, January 30, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 26, Inviting Nathan Straus, United States Housing Administrator, to address a Joint Session of the State Legislature on March 3, 1939.

Has carefully compared same and finds it correctly engrossed.

WELDON, Vice-Chairman.

FIFTEENTH DAY

(Wednesday, February 1, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Cockrell
Allen	Coleman
Allison	Colquitt
Alsup	Colson, Mrs.
Anderson	Cornett
Bailey	Corry
Baker	Crossley
of Fort Bend	Davis of Jasper
Baker of Grayson	Davis of Upshur
Blankenship	Dean
Bond	Dickison
Boyd	Dickson
Boyer	Donaghey
Bradbury	Dowell
Bradford	Dwyer
Bray	Faulkner
Bridgers	Felty
Broadfoot	Ferguson
Brown of Cherokee	Fielden
Brown	Fuchs
of Nacogdoches	Galbreath
Bundy	Gilmer
Burkett	Goodman
Burney	Hale
Cauthorn	Hamilton
Celaya	Hankamer
Chambers	Hardeman
Clark	Hardin
Cleveland	Harp

Harper	Pevehouse
Harrell of Bastrop	Piner
Harrell of Lamar	Pope
Harris	Ragsdale
Hartzog	Reader of Bexar
Heflin	Reader of Erath
Holland	Reaves
Howard	Reed
Howington	Rhodes
Hull	Riviere
Hunt	Roach
Isaacks	Roberts
Johnson of Ellis	Robinson
Johnson of Tarrant	Russell
Keith	Schuenemann
Kennedy	Segrist
Kern	Shell
Kerr	Skiles
Kersey	Smith of Frio
Kinard	Smith of Hopkins
King	Smith
Langdon	of Matagorda
Lehman	Spencer
Leonard	Stinson
Leyendecker	Stoll
Little	Talbert
Lock	Tarwater
Loggins	Taylor
London	Tennant
Mays	Thornberry
McAlister	Thornton
McDaniel	Turner
McDonald	Vale
McFarland	Vint
McMurry	Voigt
McNamara	Waggoner
Mohrmann	Weldon
Monkhouse	Wells
Montgomery	Westbrook
Morris	White
Newell	Wilson
Nicholson	Winfree
Oliver	Wood
Olsen	Worley
Pace	Wright
Petsch	

Absent—Excused

Bell	Derden
Daniel	Gordon, Mrs.

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, we are grateful to Thee this morning for health of body and mind, for the trust reposed in us by our people, and for our privileges as citizens of a great land. So direct us that we may use our large powers well, and that due consideration and cooperation may make us fruitful of good works. In Jesus' name. Amen."